

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

DECISION AND ORDER

v.

19-CR-58-A

ISAIAH SPAIN,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On January 23, 2023, Defendant Isaiah Spain appeared before Magistrate Judge Schroeder and entered a plea of guilty to a 1-count Superseding Information (Dkt. No. 108), which charges him with narcotics conspiracy, *i.e.*, conspiracy to possess with intent to distribute, and to distribute, 10 grams or more of butyryl fentanyl; heroin; fentanyl; and furanyl fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 841(b)(1)(C), and 846. The Superseding Information also contains a forfeiture allegation.

Magistrate Judge Schroeder issued a Report and Recommendation (Dkt. No. 110) confirming his oral findings that Defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. No timely objections to the Report and Recommendation have been filed. It is hereby

ORDERED that, upon review of the plea agreement (Dkt. No. 109); plea transcript (Dkt. No. 111) of the January 23, 2023, change-of-plea proceeding before the Magistrate Judge; and the Report and Recommendation, the Court finds that all the

requirements of Federal Rules of Criminal Procedure Rule 11 have been carefully followed. Defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. The Magistrate Judge informed Defendant, who was placed under oath and addressed personally in open court, of Defendant's rights and the trial rights he was waiving should the Court accept his plea of guilty, the nature of the charge to which he was pleading guilty, and any maximum possible penalty, among the other requirements listed in the Rule. The Magistrate Judge determined that Defendant understood the foregoing. Accordingly, Defendant's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation. Dkt. No. 110.

Sentencing is scheduled for June 7, 2023 at 11:00 am. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 16, 2023
Buffalo, New York